

**MINUTES OF THE
GOVERNMENT OPERATIONS INTERIM COMMITTEE**

Wednesday, November 14, 2007 – 9:00 a.m. – Room W025 House Building

Members Present:

Sen. Peter C. Knudson, Senate Chair
Sen. Gregory S. Bell
Sen. Brent H. Goodfellow
Rep. Douglas C. Aagard
Rep. Ron Bigelow
Rep. DeMar Bud Bowman
Rep. Lorie D. Fowlke
Rep. Neil A. Hansen
Rep. Neal B. Hendrickson
Rep. Eric K. Hutchings
Rep. Curtis Oda
Rep. Larry B. Wiley

Members Absent:

Rep. Glenn A. Donnelson, House Chair
Pres. John L. Valentine
Rep. Keith Grover

Staff Present:

Mr. Benjamin N. Christensen, Policy Analyst
Mr. Eric N. Weeks, Associate General Counsel
Ms. Chelsea Barrett, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Knudson called the meeting to order at 9:06 a.m.

MOTION: Rep. Wiley moved to approve the minutes of the October 17, 2007 meeting. The motion passed unanimously with Sen. Bell absent for the vote.

2. Recodification of Title 63, State Affairs in General (draft legislation)

Mr. Christensen updated the Committee on 2008 General Session draft legislation "Recodification of Title 63 State Affairs in General." He distributed "Reorganization Outline and Table of Contents - November 13, 2007" and "Recodification of Title 63, State Affairs in General - sample pages," both updated versions of the documents sent out in the committee mailing packet. Mr. Christensen explained that during the June 20 meeting, the Committee voted to begin the work on recodifying Title 63, "State Affairs in General." The project was approved by the Legislative Management Committee and now the bill is currently 2,982 pages and is primarily a renumbering project which reorganizes sections for future growth in the code.

Mr. Christensen outlined the four major changes made in the bill since the last committee meeting. He further noted that version 12 of the bill has been produced with the changes and put on the Legislature's website.

Chair Knudson asked for public comments and additional questions from the Committee regarding the recodification. Rep. Bigelow requested additional information about which sections of the bill were removed. Mr. Christensen responded he would get this information to him as soon as possible.

MOTION: Rep. Bigelow moved to adopt 2008 General Session draft legislation, "Recodification of Title 63, State Affairs in General," as a committee bill. The motion passed unanimously with Sen. Bell absent for the vote.

3. Election Law Changes (draft legislation)

Mr. Weeks introduced a handout entitled "Utah Campaign and Financial Reporting Due Dates," and 2008 General Session draft legislation, "Campaign Finance Disclosure Revisions." Both were included in the committee mailing packet. Mr. Weeks explained that during the October 17 meeting, the Committee voted to approve "Campaign Finance Disclosure Revisions," as a committee recommended bill for the 2008 General Session. Since the meeting, questions have been raised about some of the changes in financial reporting dates made in the bill. Subsequently, the chairs asked to place the bill on the agenda for further consideration. Mr. Weeks distributed "Campaign Finance Disclosure Revisions," an amendment prepared for the Committee by Chair Donnelson, which includes proposed language amendments for the draft legislation.

MOTION: Rep. Aagard moved to adopt the amended language proposed by Chair Donnelson for 2008 General Session draft legislation, "Campaign and Financial Disclosure Revisions." The amendment states the following:

1. Page 1, Line 16-17: Delete lines 16 and 17
2. Page 2, Line 34: Delete "May 15 financial report" and insert "financial report seven days before any political convention"
3. Page 5, Line 153-154: Reinstate "seven days before any political convention" and delete "May 15"
4. Page 9, Lines 270-272: Reinstate "seven days before any party political convention" and delete "May 15"
5. Page 25, Line 771: Delete "May 15" and insert "seven days before any political convention"

The Committee discussed the amendment for the draft legislation.

SUBSTITUTE MOTION: Rep. Bigelow moved to amend the language of the proposed amendment for 2008 General Session draft legislation, "Campaign Finance Disclosure Revisions," as follows:

1. Page 1, Line 16-17: Delete lines 16 and 17
2. Page 2, Line 34: Delete "May 15 financial report" and insert "financial report seven days before any political convention"
3. Page 5, Lines 153-154: Reinstate and insert "seven days before [~~any~~] the candidate's political convention" and delete "May 15"
4. Page 9, Lines 270-272: Reinstate and insert "seven days before [~~any~~] the candidate's political convention" and delete "May 15"

Chair Knudson invited the public to speak on the issue.

Mr. Ivan DuBois, State Republican Party, advised the Committee to consider the intent of the law when changing the date to declare candidacy from May 15.

Mr. Michael Cragun, Office of the Lieutenant Governor, explained that the bill was introduced to make a simpler process for candidates and the public to gather information. He recommended that the Committee establish a specific date that would compromise well with both sides of the issue.

Rep. Bigelow noted that Mr. Cragun made a persuasive argument. He noted that the amended language was proposed to provide transparency in the law but now can see the merit of following Mr. Cragun's suggestion. Rep. Bigelow withdrew his substitute motion. Rep. Aagard withdrew his original motion to amend. The Committee decided to have Mr. Cragun work with staff to formulate a deadline date.

Chair Knudson noted that he will work with Mr. Cragun and staff to formulate recommendations for a date to apply to the draft legislation.

4. Election Law Changes from the County Clerks (draft legislation)

During the September 19 meeting, the Committee voted to have draft legislation prepared based on eight of nine election law recommendations made by the county clerks. The recommendations included allowing early voting in non government buildings, requiring uniform dates for submission of ballot items, providing uniform financial disclosure dates for candidates, and addressing special district election provisions. Since the meeting, representatives of the county clerks have refined the list of bills for the committee's consideration.

Mr. Weeks gave an overview of a handout entitled "County Clerks' Legislative Committee, Legislative Requests and Status of Requests," mailed to the Committee prior to the meeting. He explained 2008 General Session draft legislation, "Allowance of Polling Places for Early Voting," mailed to the Committee prior to the meeting.

Chair Knudson invited the public to speak on the issue.

Mr. Bryan Thompson, Association of County Clerks, noted that county clerks need flexibility in finding locations to hold early voting elections. He explained that under the current law, it is a challenge to find areas that will meet the needs of the voters. Mr. Thompson reaffirmed to the Committee that even with the recommendations in the bill, county clerks will be looking primarily towards locations that are governmentally operated sites.

Mr. Julio Garcia, Association of County Clerks, noted that it is cumbersome to find locations that are governmental facilities to hold elections. Mr. Garcia explained that the voting facilities must be able to accommodate the needs of the voters and these locations are hard to find.

MOTION: Rep. Hansen moved to adopt 2008 General Session draft legislation, "Allowance of Polling Places for Early Voting," as a committee bill. The motion passed unanimously with Sen. Bell and Rep. Hutchings absent for the vote.

Rep. Bigelow noted that he supports the discussion and expressed that the tradition of security and confidentiality involved with voting needs to be preserved.

Mr. Weeks explained 2008 General Session draft legislation, "Timing of Ballot Items," which was mailed to the Committee prior to the meeting.

Mr. Thompson added that the county clerks benefit from uniformity which makes the voting process more timely. Additionally, he noted that electronic voting requires more background work and preparation and this bill would also help with the timeliness of the voting process.

MOTION: Rep. Bigelow moved to adopt 2008 General Session draft legislation, "Timing of Ballot Items," as a committee bill. The motion passed unanimously with Sen. Bell and Rep. Hutchings absent for the vote.

Mr. Christensen introduced 2008 General Session draft legislation, "Revision to Polling Requirements," which was included in the committee mailing packet. Mr. Thompson explained to the Committee that pollbooks are property of cities and need to be stored at the appropriate location.

MOTION: Rep Bigelow moved to adopt 2008 General Session draft legislation, "Revision to Polling Requirements." The motion passed unanimously with Rep. Hutchings absent for the vote.

Mr. Christensen explained 2008 General Session draft legislation, "Declaration of Candidacy Revisions," mailed to the Committee prior to the meeting. He addressed the changes in the new version of the bill. Mr. Thompson noted that the changes made were essentially technical clean ups.

MOTION: Rep. Aagard moved to adopt 2008 General Session draft legislation, "Declaration of Candidacy Revisions." The motion passed unanimously.

5. Other Items / Adjourn

Sen. Goodfellow distributed and explained "Clerk's Legislative Committee," an email from a Tooele county clerk. Sen. Goodfellow explained the document email entitled "Change Initiative and Petition Signature verification deadlines from June 1st to April 15th," which was addressed in the email. Mr. Thompson and Mr. Garcia informed the Committee that they are currently aware of the proposed draft and are in favor of the proposal.

Chair Knudson asked the public for additional comments.

Ms. Kathy Dopp, representing Utah Count Votes, distributed "Utah Election Audits Do Not Check the Accuracy of the Vote Tallies," "Legislative Requests," "National Election Data Archive," and an article entitled "We Know How You Voted." The handouts included recommendations and concerns Ms. Dopp had for the Committee concerning the voting process. Chair Knudson recommended that Ms. Dopp contact her legislator for further advancement on her concerns.

Rep. Bigelow expressed concern with special district elections. He questioned the registration process and the timing of public elections taking place on the same day as other elections.

Rep. Hansen described current voting irregularities in Ogden, including problems with voter identification, voter registration, and provisional ballots being unavailable. Rep. Hansen introduced Ms. Basil Beech, a resident of Ogden City.

Ms. Beech reported on irregularities in the voting process witnessed from a previous election. She expressed concerns about the election process and asked the Committee for support on solving these issues.

Chair Knudson advised Rep. Hansen and Ms. Beech to work together with local election officials or to formulate draft legislation for the committee's consideration.

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MOTION: Rep. Wiley moved to adjourn. The motion passed unanimously.

Chair Knudson adjourned the meeting at 10:44 a.m.